

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

BILLY DALE HILL

PETITIONER

v.

No. 3:16CV61-NBB-JMV

STATE OF MISSISSIPPI

RESPONDENT

**ORDER *DENYING* STATE'S MOTION [19] TO CLARIFY,
REINSTATING MEMORANDUM OPINION AND FINAL JUDGMENT**

This matter comes before the court on the motion [19] by the State to clarify the court's order [18] granting the petitioner's motion [15] for reconsideration. The State's motion, as urged, operates as a motion for reconsideration. The petitioner argued in his motion that he did not receive a copy of the State's May 17, 2016, motion to dismiss. The court then held its memorandum opinion and final judgment in abeyance to provide the petitioner a chance to respond to the motion to dismiss. The State then sought clarification of the court's order, noting that the petitioner had signed and returned a form acknowledging receipt of the motion to dismiss. The petitioner later responded to the motion to dismiss.

Though the State is correct that the petitioner returned the acknowledgment form, the court will nonetheless consider his response to the motion to dismiss. As such, the instant motion [19] to clarify (which operates as a motion for reconsideration) is **DENIED**.

In addition, as the petitioner's response merely reiterates the arguments in his petition, the court **REINSTATES** its previous memorandum opinion [12], final judgment [13], and certificate of appealability [14]. The instant petition is thus **DISMISSED** with prejudice both as successive and as untimely filed.

SO ORDERED, this, the 6th day of March, 2018.

/Neal Biggers

NEAL B. BIGGERS

SENIOR U. S. DISTRICT JUDGE